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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA,
SAN FRANCISCO DIVISION

SONOS, INC.,
Plaintiff and Counter-defendant,
v.
GOOGLE LLC,
Defendant and Counter-claimant.

Case No. 3:20-cv-06754-WHA

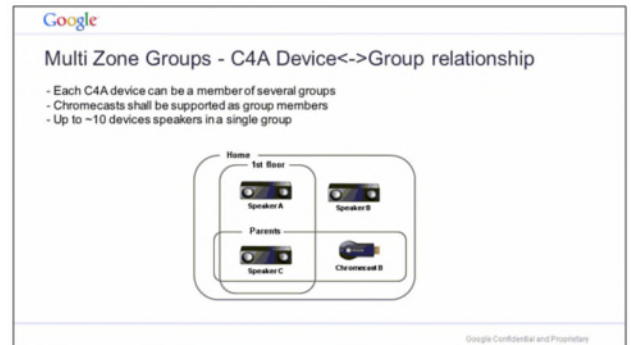
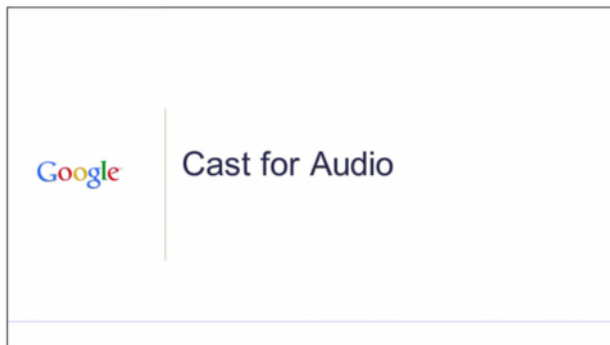
Consolidated with
Case No. 3:21-cv-07559-WHA

**SONOS'S BRIEF RE CAST
TECHNOLOGY**

Judge: Hon. William Alsup
Courtroom: 12, 19th Floor
Trial Date: May 8, 2023

During trial on Wednesday, May 10, Google objected that the introduction of a “Cast for Audio” presentation during the video deposition of Google product manager, Tomer Shekel, has somehow “opened the door” to Google being permitted to bring in the Court’s summary judgment orders concerning Sonos’s ‘615 and ‘033 patents, which relate to Sonos’s direct control technology. The Court stated that although it was “skeptical” of Google’s position, the Court would permit the parties three pages each to explain their positions. 5/10, Trial Tr. at 707:21. Because nothing has come in concerning the technology accused of infringing Sonos’s direct control patents, the Court should decline to find that Sonos has “opened the door.”

The document Google is concerned about is a 2014 “Cast for Audio” presentation, which discusses the genesis of the accused “multi-zone group” technology. Sonos designated limited testimony of Mr. Shekel where he explained that in 2014 he was a product manager of the “cast audio” team and that he was involved in the development of the accused Google Home product



and in the accused multi-room speaker playback features. Mr. Shekel also testified about slide 18 (above, right) regarding the development of the accused “Multi Zone Groups” technology and how it was able to contain overlapping groups. Sonos also designated testimony from Mr. Shekel that it would have been a poor user experience to confine players to only one multi-zone group or to disturb of players when establishing new multi-zone groups. As we’ve heard throughout trial, these features, including overlapping groups are directly relevant to the Asserted Claims of the ‘885 and ‘966 Patents.

This testimony and these features in no way opens the door to allowing Google to argue that *unrelated* patents on *unrelated* technology were held invalid by this Court. As the Court will

1 recall, Sonos's direct control patents were directed to technology for transferring the playback of
2 media from a computing device (controller) to a media player, where either the player contained a
3 "local playback queue" ('615 patent) or the controller and player both played back from a
4 "remote playback queue" ('033 patent). Sonos accused Google's media players and the YouTube
5 family of apps of meeting the claims of the '615 and '033 patents. No part of this testimony
6 discussed the technology that Sonos accused of infringement of those patents. And as such, there
7 is no need to permit Google to poison the jury with evidence and argument concerning the '033
8 and '615 summary judgment rulings, the prejudice of which severely outweighs the near-zero
9 probative value. *ActiveVideo Networks, Inc. v. Verizon Commc'ns, Inc.*, No. 2:10CV248, 2011
10 WL 7036048 at *6 (E.D. Va. July 5, 2011) ("to the extent that [alleged infringer] seeks to
11 mention that the '325 patent was held invalid by this Court or that it was previously asserted in
12 this case, this evidence would be overly prejudicial").

13 As evidenced by the trial testimony and evidence thus far, Google used the "cast" term
14 broadly to refer to its audio development program. Some of the accused products in this case are
15 called "Chromecast" and "Chromecast Audio" and the Google Home App was previously called
16 the "Chromecast" app and before that, the "Cast" app. Thus, any mere reference to a document
17 containing the word "cast" cannot open the door to putting into evidence the invalidation of
18 Sonos's direct control patents.

19 Nor should Google's *own* counter-designations provide any basis for opening the door.
20 Google provided lengthy counter-designations that introduce details surrounding the meeting
21 concerning the "Cast for Audio" document, including testimony implying that Google shared the
22 Cast for Audio presentation with Sonos. *See* Shekel Dep. Tr. at 42:2-9; 77:18-22. Evidence of
23 Google sharing a document with Sonos concerning the development of the features accused of
24 infringement of the '885 and '966 patents should not open the door to Google putting in the direct
25 control summary judgment orders. The Court should decline Google's latest attempt to inject
26 unasserted patents into this case.

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2 Dated: May 10, 2023

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and
LEE SULLIVAN SHEA & SMITH LLP

3
4 By: /s/ Clement Seth Roberts

5 Clement Seth Roberts

6 *Attorneys for Sonos, Inc.*

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